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AUG 08 2005

FACSIMILE TRANSMITTAL

TO

Name: Examiner Tadesse HAILU
 Loc: Group 2173/USPTO
 Fax No.: (571) 273-8300
 Phone No.:
 Subject: US Appln. No. 09/997,704
 Your File No.: 09/997,704

FROM

Name: Linda J. Thayer
 Phone No.: 650-849-6621
 Fax # Verified by: LJT
 # Pages (incl. this): 3
 Date: August 8, 2005
 Our File No.: 07781.0036-00000

Message:

In re Application of:)
)
Frankie James, et al.) Group Art Unit: 2173
)
Application No.: 09/997,704) Examiner: Tadesse Hailu
)
Filed: November 30, 2001)
)
For: METHOD AND APPARATUS FOR IMPLEMENTING A SPEECH INTERFACE FOR A GUI) Confirmation No.: 4300
)
)

The instant submission is comprised of:

1. Summary of Telephone Call (1 page);

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner Tadesse Hailu of the United States Patent and Trademark Office, Fax Number (571) 273-8300 on August 8, 2005.

Signature:

Linda J. Thayer

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AUG 08 2005
PATENT

Customer No. 22,852
Attorney Docket No. 7781.0036-00
SAP Ref. No.: 2001P00036 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Frankie James, et al.) Group Art Unit: 2173
Application No.: 09/997,704) Examiner: Tadesse Hailu
Filed: November 30, 2001)
For: METHOD AND APPARATUS FOR) Confirmation No.: 4300
IMPLEMENTING A SPEECH)
INTERFACE FOR A GUI)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUMMARY OF TELEPHONE CALL

On August 8, 2005, the undersigned telephoned Examiner Hailu to discuss the Office action mailed February 9, 2005. Applicants pointed out that, while the Summary page indicated that the action was Final, the Examiner did not include statements in the text of the Office action to confirm that this is the case, that Applicants had not amended in their last response and new prior art was cited in this Office action, and that the USPTO's electronic PAIR system shows the pending Office action as "Non-Final." Unable to get resolution of this inconsistency before filing a response and wishing to err on the side of caution, Applicants had treated the pending Office action as "Final" and filed an Amendment under 37 C.F.R. § 1.116 on April 18, 2005. As of today, Applicants

had not yet received a response and had noted that tomorrow is the five-month anniversary of the mailing date of the action.

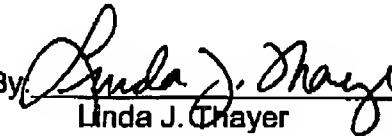
Examiner Hailu responded that he consider the Office action mailed February 9, 2005, to be non-final and apologized for the inconsistency between the summary page and the text of the action. Examiner Hailu noted that Applicants' response filed April 18, 2005, was received by the USPTO and should be considered. In reliance on these representations, Applicants will wait for a response from the USPTO and not file any additional submissions at this time.

If the Examiner does not agree, the Examiner is asked to kindly telephone the undersigned as soon as possible at (650) 849-6621.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 8, 2005

By: 
Linda J. Thayer
Reg. No. 45,681